

Our File No. 202423

**IN THE FEDERAL DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PRISCILLA PERIUT

Plaintiffs,

v.

JONATHAN SCHMIDT, QUALITY
CARRIERS, INC., “JOHN DOES 1-10”
(fictitious names, true names unknown)
and/or “ABC CORPORATIONS” (fictitious
names, true names unknown),

Defendants.

DOCKET NO.

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY:

Defendant, Quality Carriers, Inc., by and through its attorneys, Salmon Ricchezza Singer
& Turchi, LLP, respectfully avers as follows:

1. At all material times, Plaintiff, Priscilla Periut was and is a citizen of the State of New Jersey with an address of 300 Somerset Street, Town of Harrison, New Jersey. (See Plaintiff’s Complaint, attached as Exhibit “A.”)

2. At all material times, defendant, Jonathan Schmidt, was and is a citizen of the Commonwealth of Massachusetts, with an address of 57 John Street, Dalton, Massachusetts.

3. At all material times, defendant, Quality Carriers, Inc., was and is a corporation organized under the laws of the State of Florida with its principal place of business at 1208 E. Kennedy Blvd., Tampa, Florida.

4. Plaintiff initiated this action by Complaint filed in the Superior Court of New Jersey, Hudson County Law Division on or about January 20, 2022. (See Exhibit “A.”)

5. Plaintiff served her Complaint on defendant, Quality Carriers, Inc., on March 1, 2022.

6. Upon information and belief, defendant, Jonathan Schmidt, has not been served with Plaintiff’s Complaint. However, through counsel herein, defendant, Jonathan Schmidt, consents to removal pursuant to 28 U.S.C. § 1446(b)(2) (C.)

7. The within Petition for Removal is timely filed with 30 days of service of Plaintiff’s Complaint on the removing defendant pursuant to 28 U.S.C. § 1446(b)(1.)

8. Plaintiff’s Complaint alleges injuries from a motor vehicle accident with a vehicle owned by defendant, Quality Carriers, Inc., and operated by defendant, Jonathan Schmidt, on June 20, 2020. (See Exhibit “A.”)

9. She alleges damages consisting of “serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization, and medication, and have and will in the future continue to be hampered in her daily routines.” (See Exhibit “A” at ¶ 7.)

10. Moreover, Plaintiff’s counsel provided removing defendant a summary of the costs of the “care and treatment of physicians, hospitalizations, and medication” for which she seeks damages in her filed Complaint totaling \$208,227.03. (See Plaintiff’s Medical Billing Summary, attached as Exhibit “B.”)

11. Lastly, plaintiff’s counsel forwarded removing defendant pre-suit medical records which alleged a left shoulder superior labral tear, left shoulder arthralgia, left shoulder scapular subluxation, left shoulder dyskinesia and neck sprain from the accident for which she treated

conservatively, underwent a left shoulder cortisone injection and ultimately left shoulder arthroscopic labral repair surgery.

12. Therefore, the pled claims in Plaintiff's Complaint together with the "other papers" setting forth alleged injuries and medical costs of \$208,227.03 establish an amount in controversy of in excess of \$75,000.00 by a preponderance of evidence within the meaning of 28 U.S.C. §§ 1332, 1446(b)(3.)

13. Diversity of citizenship within the meaning of 28 U.S.C. § 1332 exists between the Plaintiff and Defendants because:

- a. Plaintiff was and is a citizen of the State of New Jersey;
- b. Defendant, Jonathan Schmidt, was and is a citizen of the Commonwealth of Massachusetts;
- c. Defendant, Quality Carriers, Inc., was and is a corporation organized under the laws of the State of Florida with its principal place of business in the State of Florida.

14. Diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing this notice, such that defendant is entitled to removal pursuant to 28 U.S.C. § 1441, as amended, and 28 U.S.C. § 1446.

WHEREFORE, defendant, Quality Carriers, Inc., herein pray that the above-captioned action now pending in the Superior Court of New Jersey, Law Division, Hudson County, be removed therefrom to this Honorable Court.

SALMON RICCHEZZA SINGER & TURCHI, LLP

By: /s/ Jeffrey A. Segal
Jeffrey A. Segal, Esquire
123 Egg Harbor Road, Suite 406
Sewell, NJ 08080
(856) 842-0762
jsegal@srstlaw.com
Attorneys for Defendant,
Quality Carriers, Inc.

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